

# MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

## Official Minutes November 10, 2004

### TABLE OF CONTENTS

#### **COMMISSION ITEMS**

Closed Meeting -----	3
Approval of Minutes, Regularly Scheduled Highways and Transportation Commission Meeting, October 1, 2004 -----	3
Consent Agenda -----	3
Reports of Commission Committees and Commission Related Boards -----	4

#### **MODOT STAFF ITEMS**

State and National Team Awards -----	5
Amendment 3 Proposed Program -----	6
Fiscal Year 2004 Audited Financial Statements -----	9
Fiscal Year 2006 Transportation Legislative Appropriations Request -----	9
Master Memorandum of Understanding, Missouri Transportation Institute -----	13
Professional Services Contract, AchieveGlobal Training Materials -----	13
Professional Services Contract, MoDOT Management Development Program, Management Development Institute -----	14
Kansas City Intermodal Common Communication Technology -----	14
Medical and Life Insurance Plan, Disease Management Administrative Services -----	15
Medical and Life Insurance Plan, Pharmacy Benefits Consulting Services -----	15
Medical and Life Insurance Plan, Transplant Insurance Contract Renewal -----	16
Relocation Assistance Agreement -----	16

#### **CONTRACT AWARDS**

Consideration of Bids on Federal-Aid and State Projects -----	17
---	----

#### **PROPERTY RIGHTS**

Capital Improvement Property, Disposal of Former Maintenance Lot, Buchanan County -----	22
Capital Improvement Property, Disposal of Lee's Summit Maintenance Lot, Jackson County -----	23

## **ROADWAY LOCATION AND/OR DESIGN APPROVAL**

Roadway Location and/or Design Approval .....	23
---	----

## **RATIFICATION OF APPROVAL OF RIGHT OF WAY PLANS**

Ratification of Approval of Right of Way Plans for Condemnation .....	27
---	----

## **--REPORTS--**

### **MoDOT and Missouri State Highway Patrol**

Medical and Life Insurance Plan Report .....	29
--	----

MoDOT Financial Report .....	29
------------------------------	----

Financial Accountability Report, Quarterly Report .....	29
---	----

## **ADMINISTRATIVE HEARING**

### **In the Matter of Request for Administrative Review**

Of Notice to Remove Outdoor Advertising, Hearing No. 03-06-843

John Richard Neels, Applicant, Administrative Hearing No. 730 .....	30
---	----

**MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND  
TRANSPORTATION COMMISSION MEETING HELD IN  
JEFFERSON CITY, MISSOURI, ON WEDNESDAY, NOVEMBER 10, 2004**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission held on Wednesday, November 10, 2004, in Jefferson City, Missouri, was called to order at 9:30 a.m. by Bill McKenna, Chair. The following Commissioners were present: Marjorie B. Schramm, Vice Chair, James B. Anderson, Duane S. Michie, Wallace S. Hartsfield, and Larry D. Webber.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Mr. Pete Rahn, Director of the Missouri Department of Transportation; Mr. Rich Tiemeyer, Chief Counsel for the Commission; and Mrs. Mari Ann Winters, Secretary to the Commission, were present on Wednesday, November 10, 2004.

\* \* \* \* \*

*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.  
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation Commission.*

## **CLOSED MEETING**

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo., including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications.
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.

The Commission met in the Closed Meeting from 8:00 a.m. until 9:30 a.m.

\* \* \* \* \*

## **APPROVAL OF MINUTES, REGULARLY SCHEDULED HIGHWAYS AND TRANSPORTATION COMMISSION MEETING, OCTOBER 1, 2004**

Upon motion duly made and seconded, the Commission unanimously approved the minutes of its October 1, 2004, regularly scheduled meeting. The Chair and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

\* \* \* \* \*

## **CONSENT AGENDA**

In order to make the most efficient use of Commission meeting time and to ensure the Commission members are well informed on issues requiring their action, the staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items on the Commission meeting agenda. Those items considered by the staff to be of a routine or noncontroversial

nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

No items were removed from the November 10, 2004, consent agenda. Upon motion by Commissioner Michie, seconded by Commissioner Webber, the consent agenda items were unanimously approved.

\* \* \* \* \*

## **REPORTS OF COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS**

The Commission has five standing committees: Audit Committee, Bond Financing Committee, Building Committee, Compensation Committee, and Legislative Committee. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation and MoDOT and Patrol Employees' Retirement System. The following committee reports were made during the November 10, 2004, meeting.

**Audit Committee** – Commissioner Michie reported that Drew Blossom of KPMG, MoDOT's independent auditing firm, had reviewed the Fiscal Year 2004 audit with the Audit Committee. KPMG issued an unqualified auditor's opinion for the fifth consecutive year. The committee also reviewed audit statistics and two internal audits.

**Legislative Committee** – Chairman McKenna reported that new leadership positions have been or will be forthcoming in the House and Senate. Congress has not yet taken action on the federal transportation bill.

**Retirement System** – Commissioner Anderson reported that the Board of Trustees for the Retirement System would be meeting on November 18, 2004. In addition to regular agenda issues, the board will review items pertaining to a proposal to consolidate state retirement plans and preliminary audit findings. At the end of September 2004, the retirement system's fund balance was \$1.34 billion, representing a one-year return of 12.49 percent.

\* \* \* \* \*

## **STATE AND NATIONAL TEAM AWARDS**

Director Pete Rahn presented the following four MoDOT team awards:

The Permits/Notices of Violation Team and the Pavement Type Selection Team, were recognized by the 2004 AASHTO Team Excellence Awards program as Exemplary Partners, AASHTO's highest level of team achievement. The Pavement Type Selection Team was also a Missouri Team Quality Award regional winner.

The MoDOT Planning Framework Team won two national awards: the AASHTO President's Transportation Award for Planning (bestowed upon only one state Department of Transportation planning project) and the National Association of Development Organizations Innovations Award.

The National Conference of State Fleet Administrators awarded the 2004 Honda/NCSFA Environmental Award to MoDOT's Fleet Management Unit.

Following is a list of the team members.

### **Permits/Notices of Violation Team Members**

MoDOT/DNR  
Permits/NOVs Team  
Todd Crawford, DNR  
Jerry Hirtz, MoDOT  
Mark Kross, MoDOT  
Glenn Lloyd, DNR  
Kris Ricketts, DNR

Additional Members included within the  
Permits/NOVs Implementation Group  
Bob Brendel, MoDOT  
John Howland, MoDOT  
John Jurgensmeyer, MoDOT  
Marla Markway, DNR  
Connie Patterson, DNR

Phil Schroeder, DNR  
Becky Shannon, DNR  
Gayle Unruh, MoDOT  
Joe Davis, MoDOT Retired

Dave Silvester, MoDOT  
Tom Veasman, MoDOT

Pavement (Type Selection) Team Members

Mike Anderson, MoDOT  
Jay Bledsoe, MoDOT  
John Donahue, MoDOT  
Pat McDaniel, MoDOT  
Virgil Stiffler, FHWA

Roger Brown, Pace Construction Co.  
Paul Corr, Fred Weber, Inc.  
Matt Ross, MO/KS Chapter, Inc. – ACPA  
Kim Wilson, Clarkson Construction  
David Yates, MO Asphalt Pavement Assn.

Planning Framework Team Members

Will Atkinson, MoDOT  
Chris Brundin, MoDOT  
Sue Cox, MoDOT  
Eric Curtit, MoDOT  
Paula Gough, MoDOT  
Edie Grover-Bisker, MoDOT

Marcie Meystrik, MoDOT  
Frank Miller, MoDOT  
Chris Rutledge, MoDOT  
Bill Stone, MoDOT  
Wesley Stephen, MoDOT  
Jeff White, MoDOT

Fleet Management Unit Team Members

Warren Blanchard, MoDOT  
Jerry Dunn, MoDOT  
Sara Graham, MoDOT  
Randy Gregory, MoDOT  
Reva Jones, MoDOT

Ralph Knipp, MoDOT  
Alan Lepper, MoDOT  
Tom Storms, MoDOT  
Jeannie Wilson, MoDOT

\* \* \* \* \*

### **AMENDMENT 3 PROPOSED PROGRAM**

Director Pete Rahn expressed appreciation for voter approval of Amendment 3, a citizens' initiative which minimizes the amount of highway user fees available for other than road and bridge improvements, and makes half of the sales tax on motor vehicles available for programs resulting in road and bridge improvements. While he was pleased that additional funding made available through Amendment 3 will allow needed improvements to be made, he cautioned that its approval was only the first step in a long process to adequately fund the state transportation system that Missourians desire and deserve.



Mr. Rahn presented the following three-element conceptual proposal:

### **Element 1 - Smooth Roads Initiative**

Mr. Rahn noted that of Missouri's 32,364-mile state highway system, 60 percent of the vehicles travel on 2,210 miles of roadway. In addition, 86 percent of Missouri's population reside within ten miles of those roadways. Currently, he said, only 25 percent of those miles are in "good" to "very good" condition. Therefore, Mr. Rahn proposed that approximately \$400 million, made available through Amendment 3, be dedicated to a very aggressive three-year program to improve the entire 2,210-mile system to "good" or "very good" condition.

Mr. Rahn clarified that the improvements anticipated will be limited in scope, addressing the driving surface, roadway marking, and rumble strips. Shoulder, guardrail, and signing improvements will be made "as needed," in an effort to get the best value for each dollar spent while benefiting the greatest number of Missouri citizens.

Mr. Rahn emphasized that the improvements anticipated by this element of the program will provide solutions to road conditions that will last an average of seven years. He anticipated, therefore, that he would be recommending that bonds for this element not exceed 10-years, which generally result in an average life of 6.5 years, to best align the life of the improvement with the term of the bonds.

### **Element 2 – Acceleration of Existing Project Commitments**

Mr. Rahn proposed a second element of the Amendment 3 program, which would accelerate approximately \$300 million of construction projects currently on the Statewide Transportation Improvement Program. The fact that the planning process, which involves regional input, has been applied to these projects, and the fact that approval of Amendment 3 will allow dollars that would have been utilized for projects in future years to become available for other projects, this element of the program could be implemented almost immediately.

### **Element 3 – Selecting New High-Priority Projects**

Mr. Rahn said the level of the proposed third element of the Amendment 3 program is contingent on the amount of actual dollars that will be forthcoming to the state bond fund. He estimated, however, that \$130 million directed to the state bond fund would result in a \$1.3 billion to \$1.4 billion in new highway construction improvements. This element provides the opportunity to complete corridors and address urban projects of significance. MoDOT will utilize its planning framework, which includes input from its planning partners and the general public, in determining specific improvements.

Commissioner McKenna noted that since banks and other lending institutions are generally receptive to loaning funds based on the anticipated future receipts, such as those that will be forthcoming as a result of Amendment 3, additional improvements could be made as

early as the upcoming 2005 construction season. Chairman McKenna also asked the staff to apply the Commission's approved funding allocation method to all elements of the proposed program.

The Commission expressed consensus with the program presented by Mr. Rahn. Since it appeared to be very aggressive, however, they asked the staff to be in a position to assure the Commission that promises made in keeping with this program could be delivered. Commissioner Anderson stated that voter approval of Amendment 3 represented the third highest positive vote on an issue in Missouri history, emphasizing that Missouri voters want a better transportation system. He stated that the positive vote also offered an opportunity and challenge to MoDOT to deliver quality improvements.

Regarding questions from Commissioner Hartsfield regarding economic impact, Mr. Rahn reported that national studies have found that for every billion dollars spent on highway improvements, 42,000 jobs are created. He noted that economic benefits will also result from completing four-lane corridors.

Commissioner McKenna expressed appreciation to the voters for approval of Amendment 3 and expressed the hope that a new federal transportation bill would further increase funding. He pointed out, however, that more state funds for transportation will be required to deliver the transportation system that Missourians would like to see.

The Commissioners expressed agreement with the conceptual program presented by Mr. Rahn. Various members emphasized the desire for MoDOT's planning partners to assist in identifying and prioritizing new transportation improvements and encouraged the staff to

consider improvements that will increase the potential for economic development.

The staff will request specific action pertaining to the three elements of the plan at the December 10, 2004, Commission meeting.

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## **FISCAL YEAR 2004 AUDITED FINANCIAL STATEMENTS**

Drew Blossom of KPMG, certified independent auditing firm, presented the 2004 audited financial statements. He noted that KPMG had issued an unqualified opinion on the financial statements, which, he said, represents the continuing effort of MoDOT's financial function to standardize its processes. He called attention to various new disclosure requirements and summarized that the 2004 audit was a very positive report.

Commissioner Anderson called attention to the positive change in funding status of the medical plan, and he praised those involved in bringing about this change.

Chairman McKenna thanked Mr. Blossom for the report.

\* \* \* \* \*

## **FISCAL YEAR 2006 TRANSPORTATION LEGISLATIVE APPROPRIATIONS REQUEST**

On behalf of the Director, Pat Goff, Director of Finance, and Herbert Wheeler, Jr., Director of Resource Management, presented the Fiscal Year 2006 Transportation Legislative Appropriations Request. Mr. Goff said the goal of the appropriations request is twofold: (1) provide adequate information to the legislature and (2) provide adequate flexibility to the staff to make any changes in resource allocation necessary to accommodate changes in strategic direction and fully utilize the new revenues from Amendment 3.

After explanation and discussion, and upon motion by Commissioner Schramm, seconded by Commissioner Webber, the Commission unanimously approved the Fiscal Year 2006 Transportation Legislative Appropriations Request and authorized the staff to release the request to the State Office of Budget and Planning. In keeping with the direction of the State Office of Budget and Planning, a four percent statewide salary increase was included. Costs for the retirement plan increased significantly due to the plan's unfunded liability and investment performance.

(See following page for table)

**Missouri Department of Transportation**  
**FY 2006 Appropriations Budget**  
(In Thousands of Dollars)

	<b>FY 2006 <u>Appropriations Request</u></b>
Income	
State Revenue	\$1,147,109
Federal Reimbursement	\$703,482
Total Income	\$1,850,591
 Bond Proceeds	 \$0
 Net Income	 <u>\$1,850,591</u>
Expenditures	
Administration:	
Personal Services	\$20,411
Fringe Benefits	\$21,235
Expense & Equipment	<u>\$6,744</u>
	\$48,390
 Maintenance:	
Personal Services	\$142,938
Fringe Benefits	\$88,727
Expense & Equipment	<u>\$174,956</u>
	\$406,621
 Motor Carrier:	
Personal Services	\$3,922
Fringe Benefits	\$2,215
Expense & Equipment	\$2,168
Refunds	<u>\$25,800</u>
	\$34,105
 Motorist Assistance:	
Personal Services	\$1,997
Fringe Benefits	\$1,241
Expense & Equipment	<u>\$317</u>
	\$3,555
 Highway Safety:	
Personal Services	\$685
Fringe Benefits	\$160
Expense & Equipment	\$2,167
Programs	<u>\$19,729</u>
	\$22,741

(FY 2006 Appropriations Request continued)

Construction:

*Personal Services	\$90,418
*Fringe Benefits	\$47,513
*Expense & Equipment	\$26,011
Contractor Payments from State Road Fund	\$673,246
Contractor Payments from Bond Proceeds	\$0
Design Bridge Consultant Payments	\$25,000
Accelerated Program	\$15,156
Transportation Enhancements Contractor Payments	\$7,200
Transportation Enhancements Federal Pass-Through	\$7,800
Right of Way Land Acquisition	\$50,000
Federal Pass-Through	<u>\$80,287</u>
	\$1,022,631

Fleet, Facilities & Information Systems:

Personal Services	\$16,300
Fringe Benefits	\$8,756
Expense & Equipment	<u>\$91,108</u>
	\$116,164

Multimodal:

Personal Services	\$1,723
Fringe Benefits	\$921
Expense & Equipment	\$895
Programs	<u>\$68,711</u>
	\$72,250

Debt Service on Bonds	\$75,977
Purchase Order Rollover	\$0

Total MoDOT Expenditures	\$1,802,434
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Other Expenditures

Other State Agencies	\$203,170
Miscellaneous Refunds	<u>\$13,570</u>
Total Expenditure for MoDOT and Other Agencies	<u>\$2,019,174</u>

Excess (Deficiency) of Net Income Over Expenditures	(\$168,583)
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\* Construction Personal Services, Fringe Benefits, and Expense & Equipment constitute Preliminary Engineering and Construction Engineering costs.

Note: The FY 2006 Appropriations request amounts have not been adjusted for levelizing and do not include potential impacts associated with Amendment 3.

Commissioner Anderson recognized staff efforts to date to move toward a one-budget performance-based budget and encouraged the staff to implement such a budget process as quickly as possible.

\* \* \* \* \*

**MASTER MEMORANDUM OF UNDERSTANDING,  
MISSOURI TRANSPORTATION INSTITUTE**

On behalf of the Director, Kevin Keith, Chief Engineer, recommended approval of a Master Memorandum of Understanding with the Curators of the University of Missouri in order to establish a partnership between the Missouri Transportation Institute (MTI) and MoDOT. MTI is a consortium of Missouri-based universities and non-profit organizations established to address the research, development, public policy and technology transfer needs of Missouri's transportation system. Through assistance and support to the Department, MTI will help set the direction for transportation research in Missouri and provide timely and applicable research results.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Director or Chief Engineer to execute the Master Memorandum of Understanding and future Task Orders related to the Master Memorandum of Understanding.

\* \* \* \* \*

**PROFESIONAL SERVICES CONTRACT,  
ACHIEVEGLOBAL TRAINING MATERIALS**

On behalf of the Director, Micki Knudsen, Human Resources Director, recommended approval of a contract with AchieveGlobal to purchase training materials for its basic supervision courses at a total cost of \$70,000.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Director, Chief Engineer, or Director of Administrative Services to execute the contract, subject to approval as to form by the Chief Counsel's Office.

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**PROFESSIONAL SERVICES CONTRACT,  
MoDOT MANAGEMENT DEVELOPMENT PROGRAM,  
MANAGEMENT DEVELOPMENT INSTITUTE**

On behalf of the Director, Micki Knudsen, Human Resources Director, recommended approval of a contract with Management Development Institute, a division of the College of Business Administration at Southwest Missouri State University, to provide two weeks of managerial training to 92 Department middle managers at a cost of \$22,286. Participants will receive follow-up support from the vendor for one year after training.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Director, Chief Engineer, or Director of Administrative Services to execute the contract, subject to approval as to form by the Chief Counsel's Office.

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**KANSAS CITY INTERMODAL COMMON  
COMMUNICATION TECHNOLOGY**

On behalf of the Director, Sabin Yanez, District 4 Engineer, recommended approval of an agreement with Mixon-Hill, Inc., to analyze, design, implement and integrate inter-modal communication technology for the Kansas City area to assist the freight-moving industry at a cost of \$998,790.

Via approval of the consent agenda, the Commission unanimously approved the agreement and authorized the Director, Chief Engineer, or Director of Operations to execute the agreement.

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**MEDICAL AND LIFE INSURANCE PLAN,  
DISEASE MANAGEMENT ADMINISTRATIVE SERVICES**

On behalf of the Director, Jeff Padgett, Chairman of the Board of Trustees for the Medical and Life Insurance Plan, recommended approval of an agreement with CorSolutions to provide disease management services for the Medical and Life Insurance Plan. The initial term of the agreement is three years, with two extension years available. Annual cost will be approximately \$700,000 for these services and costs will increase approximately four percent in calendar year 2006 and calendar year 2007. The services provided by CorSolutions will provide plan members the opportunity to receive clinical consultation and management from experienced staff for chronic conditions.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Chairman of the Medical and Life Insurance Plan Board of Trustees or Director of Finance to execute the agreement, subject to approval as to form by the Chief Counsel's Office.

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**MEDICAL AND LIFE INSURANCE PLAN,  
PHARMACY BENEFITS CONSULTING SERVICES**

On behalf of the Director, Jeff Padgett, Chairman of the Board of Trustees for the Medical and Life Insurance Plan, recommended approval of a one-year contract extension with Independent Pharmaceutical Consultants, Inc., to provide consulting services analysis of statistical data relative to the pharmacy benefit under the Medical and Life Insurance Plan. The cost of the extension will increase five percent to \$2,590 per month for contractually obligated services; ad hoc services will continue to be billed at a rate of \$190 per hour.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Chairman of the Medical and Life Insurance Plan Board of Trustees or Director of Finance to execute the contract extension, subject to approval as to form by the Chief Counsel's Office.

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**MEDICAL AND LIFE INSURANCE PLAN,  
TRANSPLANT INSURANCE CONTRACT RENEWAL**

On behalf of the Director, Jeff Padgett, Chairman of the Board of Trustees for the Medical and Life Insurance Plan, recommended approval of a one-year contract renewal with International Funding Limited/Strategic Health Development Corporation to provide transplant benefit coverage for the Medical and Life Insurance Plan at a total annual estimated cost between \$750,000 and \$800,000.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Chairman of the Medical and Life Insurance Plan Board of Trustees or Director of Finance to execute the renewal contract, subject to approval as to form by the Chief Counsel's Office.

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**RELOCATION ASSISTANCE AGREEMENT**

On behalf of the Director, James Deresinski, Controller, and Micki Knudsen, Human Resources Director, recommended approval of a contract with Cendant Mobility to provide relocation services to the Department for a period of one year, with the option for two additional one-year renewals. Costs of the relocation services are paid from the budget of the unit to which

the employee is transferred. Cendant Mobility will provide Home Marketing Assistance, Buyer Value Option Closing Services, Management of Household Goods Transportation/Storage and Destination Services. These services will maintain or improve services to relocating employees and reduce relocation expenses to the Department.

Via approval of the consent agenda, the Commission unanimously approved the recommendation and authorized the Director or Director of Finance to execute the agreement.

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## **CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS**

### **Award of Contracts, October 15, 2004, Bid Opening**

On behalf of the Director, Dave Nichols, Director of Project Development, presented a tabulation of the bids received on October 15, 2004, and recommended awards be made to the lowest responsive and responsible bidder noted below. He also recommended that A. G. Construction, Inc., be declared non-responsive on Calls 701 and 702 due to the contractor bidding both of the alternate pavement options and that Jokerst Paving & Contracting, Inc., be declared non-responsive on Call X02 due to exceeding the maximum monetary amount specified in the bidding document.

<b><u>Route County Project</u></b>	<b><u>Bid Amount Plus 3% for Contingencies</u></b>	<b><u>Non- Contractual Costs</u></b>	<b><u>Contractor</u></b>
<b>Call 202</b>			
65 Carroll/Lafayette J2P0639C	\$1,415,220.00		Anderson Excavating and Grading Co. Omaha, NE
<b>Call 203</b>			
K Saline J2S0398	2,712,502.24	744.00	Hilty Quarries, Inc. Clinton, MO

<b>Call 204</b> C Carroll J2S0744	43,244.55	144.00	B.R.S. Construction Edina, MO
<b>Call 302</b> Various Various J3M0037	191,166.71		Collins & Hermann, Inc. St. Louis, MO
<b>Call 303</b> Various Various J3M0038	131,262.17		Superior Rail System, L.L.C. Wellington, MO
<b>Call 306</b> Park Roads Clark J3L05ATH 81 Clark J3L0500B 15 Scotland J3L0500H	878,231.15		Chester Bross Const. Co./C/B. Equipment, Inc. Hannibal, MO
<b>Call 502</b> A Gasconade J5S0524	1,063,341.25		Don Schnieders Excavating Company, Inc. Jefferson City, MO
<b>Call 503</b> 94 Callaway J5S0351C	4,343,057.60	1,920.96	Don Schnieders Excavating Company, Inc. Jefferson City, MO
<b>Call 601</b> 70 St. Louis City J6I1681	915,115.86	144.00	Custom Lighting Services, LLC Kansas City, MO
<b>Call 602</b> 94 St. Charles J6S1745	75,279.97	288.00	T.G.B., Inc. St. Louis, MO

<b>Call 604</b> 100 Franklin J6P1006	2,220,814.91	406.20	Don Schnieders Excavating Company, Inc. Jefferson City, MO
<b>Call 605</b> 40 St. Louis J6P1782	83,601.45	216.00	L. Krupp Construction, Inc. Ellisville, MO
<b>Call 606</b> 44, 55 and 270 St. Louis City/St. Louis J6I1682	691,293.33		Collins & Hermann, Inc. St. Louis, MO
<b>Call 607</b> 366 St. Louis J6P1628	438,914.85	144.00	J. M. Marschuetz Construction Co. Eureka, MO
<b>Call 701</b> M Jasper J7S0715	271,618.73	650.00	Snyder Bridge Co. Joplin, MO
<b>Call 702</b> O Jasper J7S0716	608,403.49	825.00	Snyder Bridge Co. Joplin, MO
<b>Call 703</b> 71 and 160 Barton/Dade J7P0775	149,586.90		Mill Valley Construction, Inc. Shawnee Mission, KS
<b>Call 704</b> 82 St. Clair J7P0776	193,128.71		Mill Valley Construction, Inc. Shawnee Mission, KS
<b>Call 705</b> 39 Cedar J7L0500D 39 Cedar/Dade J7L0500E	1,398,741.67		Leo Journagan Construction Co., Inc. Springfield, MO

82  
Cedar  
J7L0500F  
82  
St. Clair  
J7L0500G

**Call 801**

14  
Douglas  
J8L0500H  
19  
Oregon  
J9L0500C  
JJ  
Howell  
J9L0500H  
142  
Howell  
J9L0500J

1,416,249.45

20,014.35

Ozark Asphalt Company  
West Plains, MO

**Call 901**

60 and 63  
Howell/Texas  
J9P0363C

2,923,770.82

38.50

Chester Bross Const. Co./C.B.  
Equipment, Inc.  
Hannibal, MO

**Call X01**

67  
St. Francois  
J0P0591G

4,493,734.21

3,100.16

H. R. Quadri Construction  
Van Buren, MO

**Call X02**

A  
Ste. Genevieve  
J0L0500A  
B  
Ste. Genevieve  
J0L0500B  
T  
Perry  
J0L0500C  
51  
Bollinger  
J0L0500H

1,671,150.40

Apex Paving Company/Lead  
Belt Materials  
Cape Girardeau, MO

Park Roads  
Cape Girardeau  
J0L05B0L

Totals	<u>\$28,430,300.38</u>	<u>\$28,635.17</u>
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Construction speed limits conform to the standard work zone speed limits shown on Standard Drawing No. 616.10 as approved by the Commission.

#### **Authority to Reject Bids**

Mr. Dave Nichols recommended the bids on Call No. 101 and Call No. 903 received on October 15, 2004, be rejected because they were considered excessive.

<u>Route</u>	<u>County</u>	<u>Project</u>
<b>Call 101</b>		
6	Dekalb/Daviess	J1L0500B
<b>Call 903</b>		
21	Carter	J9L0500A
143	Iron	J9L0500E
V	Wayne	J0L0500K

#### **Other Contracts Awarded**

Mr. Nichols reported MoDOT staff awarded the following two projects during the past month in keeping with the Commission's Delegation of Authority for Execution of Documents Policy for award and execution of projects pertaining to emergency situations.

<u>Route</u>	<u>Bid Amount</u>	<u>Contractor</u>
<b>County</b>		
<b>Project</b>		
I-70	\$469,206.00	R.A. Knapp Construction, Inc.
Saline		
J2I0745		
J	\$ 97,932.00	B.R.S. Construction
Dekalb		
J1M0043		

## **Commission Action**

After consideration and upon motion by Commissioner Schramm, seconded by Commissioner Michie, the Commission took the following actions.

1. Awarded contracts to the lowest responsive and responsible bidders for bids received on October 15, 2004, as recommended and noted above, and authorized an additional three percent of the contract amount for contingencies. The Commission approved the allocation of funds covering the non-contractual costs for these projects as indicated on the above tabulation.
2. Declared as “non-responsive” the bids of A.G. Construction, Inc., on Call 701 and Call 702. Also declared as “non-responsive” the bid of Jokerst Paving & Contracting, Inc., on Call X02.
3. Rejected the bids on Call 101 and Call 903.

In keeping with the Commission’s Delegation of Authority to Execute Documents, the Director, Chief Engineer, or Director of Project Development may execute the contracts awarded above.

\* \* \* \* \*

## **CAPITAL IMPROVEMENT PROPERTY, DISPOSAL OF FORMER MAINTENANCE LOT, BUCHANAN COUNTY**

On behalf of the Director, Beth Wright, District 1 Engineer, recommended the Commission convey 1.0 acre and improvements located at the intersection of 22<sup>nd</sup> Street and Garfield Avenue in St. Joseph, Buchanan County, to Charles A. and Mardella L. Mears for the consideration of \$107,200. The property is no longer needed.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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**CAPITAL IMPROVEMENT PROPERTY,  
DISPOSAL OF LEE'S SUMMIT MAINTENANCE LOT,  
JACKSON COUNTY**

On behalf of the Director, Sabin Yanez, District 4 Engineer, recommended the Commission convey 3.98 acres and improvements located on the south side of the south outer roadway of Route 50 approximately one-fourth mile east of Hamblin Road in Lee's Summit, to Ron A. Mather Property, LLC, for the consideration of \$480,000. This maintenance site has been consolidated with another building and will no longer be needed.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

\* \* \* \* \*

**ROADWAY LOCATION AND DESIGN**

On behalf of the Director, District Engineers recommended the Commission approve the location and/or design for the following projects.

**Routes 65 and 136, Mercer County  
Princeton and to the East Routes 65 and 136  
North Junction South to Routes 65 and 136  
South Junction, then East 0.4 Mile  
Job No. J2P0442B  
Public Hearing Held September 22, 2004**

This proposed improvement consist of replacing the Route 136 bridges over the Union Pacific Railroad and Wildcat Creek east of Route 65. All driving lanes will remain 12 feet wide. The Route 65 shoulders will remain 10 feet wide. Route 136 east of Route 65 will have 8-foot shoulders. This project will have normal access right of way. Traffic will be maintained over the existing roadway during construction. This project is 1.0 mile in length.

Mr. Mike Bruemmer, District 2 Engineer, recommended approval of the location and design as presented at the public hearing.

**Route 7, Jackson County  
Duncan Road to Shaw Parkway  
(In Blue Springs, North of Interstate 70)  
Federal Project No. NCPD-1207(407)  
Public Hearing Held September 9, 2004**

This proposed improvement provides signals, revised access control, lighting, sidewalks, bicycle lanes, landscaping and a commuter parking lot replacement. The project has normal access right of way, and is 0.4 mile in length. At least one lane in both directions will remain open at all times.

Mr. Sabin Yanez, District 4 Engineer, recommended approval of the design as presented at the public hearing with a revised entrance location for the southeast corner of the proposed commuter parking lot.

**Route 23, Lafayette County  
2.5 miles South of Route 24  
Over Salt Fork Creek  
Job No. J4S1692  
No Public Hearing Held**

This project will replace the bridge on the same horizontal alignment and raise the elevation for improved hydraulics. The roadway width is 24 feet with 4-foot shoulders. The project has normal access right of way. During construction Route 23 will be closed and traffic will be detoured over a state route detour of 16 miles. There are also two county road detours available with lengths of 4.5 and 5 miles. The project is 0.2 mile in length.

Mr. Sabin Yanez, District 4 Engineer, recommended approval of the proposed design and road closure as advertised for the public hearing.

**Route DD, Ray County  
1.8 miles North of Route 10  
Job No. J4S1163  
No Public Hearing Held**

This proposed improvement provides a new bridge over Moss Drainage Ditch and reconstructs approximately 1200 feet of pavement on the existing alignment. The proposed pavement has two 12-foot lanes and 4-foot shoulders. The project has normal access right of way. During construction, the road will be closed and traffic will be detoured over Route 10. The project is 0.3 mile in length.

Mr. Sabin Yanez, District 4 Engineer, recommended approval of location and design as proposed, including closure of the roadway during construction.

**Route 100, St. Louis City  
Chouteau Bridge from Vandeventer to 39<sup>th</sup> Street  
Job No. J6I1335**

**Public Hearing Held August 25, 2004**

This improvement will replace the Chouteau Bridge from Vandeventer to 39<sup>th</sup> Street, remove the Vandeventer overpass bridge from I-64 ramps to Chouteau, reconstruct the Chouteau/Vandeventer and I-64 ramps/Vandeventer intersections, lighting, signing and signals with pedestrian accommodations. The project has partially controlled access right of way. The I-64 ramp is limited access. The remainder of the property is city streets owned by St. Louis City. A detour route will be in place for the duration of the Chouteau Bridge closure. This project is 0.2 mile in length.

Mr. Ed Hassinger, District 6 Engineer, recommended approval of the location, design and road closure as presented at the public hearing.

**Route B, Jefferson County  
Job No. J6S1013**

**Public Hearing Held September 22, 2004**

This improvement will replace the current Route B bridge over Skullbones Creek, which will have two 12-foot lanes and two 8-foot outside shoulders and includes raising the grade approximately 7-8 feet near the bridge to minimize flooding. The improvement includes the relocation of Route B to the south between Route 30 and Cedar Hill Road. This project has normal access right of way. Route B will be closed for a short period of time in order to realign the road and raise the grade to accommodate the higher grade of the new bridge. The project is 0.6 mile in length.

Mr. Ed Hassinger, District 6 Engineer, recommended approval of the location and design of the proposed project as presented at the public hearing.

**Route 123, Polk County  
Bridge over Little Sac River Arm – Stockton Lake  
Job No. J8S0726**

**Route 215, Polk County  
Bridge over Turkey Creek Arm – Stockton Lake**

**Job No. J8S0727**  
**Public Hearing Held July 15, 2004**

These proposed improvements provide a new bridge deck and new bridge rail on each bridge. The project has normal access right of way. Traffic will be handled one lane at a time for most of the work. These projects are 0.3 mile in length.

Mr. Dale Ricks, District 8 Engineer, recommended approval of the location and design as presented at the public hearing.

**Route AA, Polk County**  
**Bridge over Hominy Creek**  
**2.5 Mile North of Route 32 near Halfway**  
**Job No. J8S0729**

**Public Hearing Held June 24, 2004**

This proposed improvement will replace the deck of the bridge over Hominy Creek on Route AA in Polk County. This project has normal access right of way. The bridge will be closed during the removal and replacement of the bridge deck. This project is 0.2 miles in length.

Mr. Dale Ricks, District 8 Engineer, recommended approval of the location and design as presented at the public hearing.

**Route 72, Madison County**  
**Route OO/72 Intersection to 0.9 miles west of Castor River and**  
**0.9 miles west of Castor River to 0.4 Miles east of Castor River**  
**Job Nos. JOP0851 and JOP0906**

**Public Hearing Held August 31, 2004**

This improvement will provide resurfacing and paved shoulders on the existing route and relocation on new alignment at the Castor River, with a new bridge over the Castor River. This project has normal access right of way. Traffic will be maintained over the existing roadway during construction and on a temporary basis. Project JOP0851 is 6.5 miles in length and Project JOP0906 is 1.3 miles in length.

Mr. Scott Meyer, District 10 Engineer, recommended approval of the location and design of the proposed improvement as presented at the public hearing.

**Route 80, New Madrid County  
0.5 Mile East of Route I-55  
Job No. J0P0882**

**Public Hearing Held September 16, 2004**

This improvement replaces the current bridge over St. John's Ditch in New Madrid County. The new bridge will be 40 feet wide with 12-foot lanes and 8-foot shoulders. This project has normal access right of way. Traffic will be reduced to one lane with temporary signals controlling traffic during construction. This project is 0.4 mile in length.

Mr. Scott Meyer, District 10 Engineer, recommended approval of the location and design as presented at the public hearing.

After full consideration of the favorable and adverse economic, social, and environmental effects of the recommended designs, the Commission, via approval of the consent agenda, unanimously found and determined the recommended designs would best serve the interest of the public and approved the recommendation.

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**RATIFICATION OF APPROVAL OF RIGHT OF WAY  
PLANS FOR CONDEMNATION**

On behalf of the Director, Dave Nichols, Director of Project Development, recommended the Commission ratify the Chief Engineer's approval of the following right of way plans, which have been filed for condemnation.

<b><u>County</u></b>	<b><u>Route</u></b>	<b><u>Job Number</u></b>	<b><u>Date Commission Approved Design</u></b>
Greene	160	J8U0535	June 6, 2003
Maries	63	J5P0783	June 6, 2003 (1 <sup>st</sup> Amended)
Franklin	T	J6S1007	March 10, 2004
Franklin	A	J6S1494	December 6, 2002
Franklin	A	J6S1494B	December 6, 2002
St. Louis	367	J6U1085B	September 6, 2002 (1 <sup>st</sup> Amended)
St. Louis	367	J6U1085C	September 6, 2002 (1 <sup>st</sup> Amended)
Cape Girardeau	34	J0U0598B	May 3, 2002

In accordance with Section 227050 RSMo, the Commission, via approval of the consent agenda, approved the right of way plans for the above noted projects and directed they be filed as necessary for the condemnation of right of way.

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**-- REPORTS --**

**MoDOT AND MISSOURI STATE HIGHWAY PATROL  
MEDICAL AND LIFE INSURANCE PLAN REPORT**

Mr. Jeff Padgett, Manager of Employee Benefits and Chairman, Medical and Life Insurance Plan Board of Trustees, presented reports on the financial status of the Medical and Life Insurance Plan covering the period from July 2003 through June 2004.

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**MoDOT FINANCIAL REPORT**

Mr. Pat Goff, Director of Finance, presented the Financial Report for the Fiscal Year 2005 period ending September 30, 2004. The report is intended to show budget to actual cost comparisons.

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**FINANCIAL ACCOUNTABILITY REPORT  
QUARTERLY REPORT**

Mr. Pat Goff, Director of Finance, presented the Financial Accountability Quarterly Report for the period ending September 30, 2004.

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**- ADMINISTRATIVE HEARINGS -**

**IN THE MATTER OF REQUEST FOR  
ADMINISTRATIVE REVIEW OF NOTICE  
TO REMOVE OUTDOOR ADVERTISING  
HEARING NO. 03-06-843  
JOHN RICHARD NEELS, APPLICANT  
ADMINISTRATIVE HEARING NO. 730**

This is the final decision and order of the Missouri Highways and Transportation Commission following a request for administrative review of a Notice to Remove Outdoor Advertising issued under section 226.580 RSMo. by the Missouri Department of Transportation (hereinafter, Department) to John Richard Neels (hereinafter, Applicant).

A hearing was conducted by Hearing Examiner Dan Pritchard in the Hearing Room of the State Highway and Transportation Building, Jefferson City, Missouri, on June 23, 2004. The Department was represented by Bryce Gamblin, Assistant Counsel. The Applicant did not appear. The case was submitted on the record.

Having considered all the competent and substantial evidence upon the whole Record, we find as follows:

**FINDINGS OF FACTS**

This hearing involves an outdoor advertising structure (T.8-9; Comm. Ex. 5) owned and maintained by Applicant adjacent to Route 21 in Jefferson County at county log mile 14.11. (T.5-6,9; Comm. Ex. 2).

The sign is visible from the main traveled way and is located within 660 feet of the right-of-way of Route 21, which is part of the primary highway system (T.9).

The sign was erected in 2002 (T.13). The sign was erected without applying for a permit or obtaining a permit. (T.10). The sign is located in an area which has been zoned for commercial use by Hillsboro, Missouri.



The sign was erected within 1,400 feet of a permitted sign, on the same side of the highway (T. 10-13, 15.)

The Department issued a Notice to Remove Outdoor Advertising for the sign that was received by Applicant. (T. 6-7; Comm. Ex. 2-3). Applicant requested a hearing. (T. 14; Comm. Ex. 6).

### CONCLUSIONS OF LAW

The Commission has jurisdiction under Section 226.580 RSMo. The sign is adjacent to and within 660 feet of the nearest edge of the right-of-way and visible from the main traveled way of a primary highway and, thus, subject to the requirements of Sections 226.500 to 226.600 RSMo. and the Commission's administrative rules regarding outdoor advertising.

Signs erected or maintained after March 30, 1972, within 660 feet of the nearest edge of the right-of-way of a primary or interstate highway are regulated and limited to directional and other official signs and notices, on-premise signs, signs located in areas zoned commercial, industrial, or the like, signs located within 750 feet of an unzoned commercial or industrial establishment when located in a county without zoning regulations and nonconforming signs. Sections 226.520, 226.540, 226.550 RSMo. and 7 CSR 10-6.060(2).

Signs erected or maintained on or after March 30, 1972, within 660 feet of the nearest edge of the right-of-way and visible from the main traveled way of any interstate or primary highway, and located in areas zoned commercial, industrial or the like under local zoning authority is subject to the sizing, lighting, and permit requirements of Sections 226.540 and 226.550 RSMo.

Section 226.540(3)(a) a RSMo. Supp.2002 prohibits sign structures from being erected within 1400 feet of an existing sign on the same side of the highway. The requirement of 1400

feet between signs on the same side of the highway was added by HB 1195 and HB 1508 and was effective August 28, 2002. Laws of Missouri, 2002 p.vii, 292-295, 436-440. The evidence at the hearing shows conflicting dates of erection for the sign with one date prior to August 28, 2002 and the other date after August 28, 2002. As a result, there is no conclusive evidence of a violation of the 1400 feet spacing requirement in section 226.540(3)(a) RSMo. Supp. 2002.

Section 226.580.1 (2) RSMo. and 7 CSR 10-6.080(2)(B) prohibit signs for which a permit is not obtained as prescribed in Sections 226.500 to 226.600 RSMo. We conclude the sign violates that prohibition and, thus is subject to removal as an unlawful sign. Drury Development Corp. v. State Highway Commission, 637 SW 2d 354 (Mo. App. 1982); Osage Outdoor Advertising, Inc. v. Missouri Highway and Transportation Commission, 677 SW 2d 389 (Mo. App. 1984).

The Department properly issued the Notice to Remove Outdoor Advertising.

#### ORDER

It is, therefore, the order of the Commission that Applicant cause the sign to be removed within 30 days of the date of this order.

This report and order was adopted by unanimous vote of all Commission members present.

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By unanimous vote of all members present, the meeting of the Commission was adjourned.

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